

From: [Butler, David](#)
To: [Scott Elliott](#); [Grube-Lybarker, Carri](#); [Charles L. A. Terreni](#); [Parker, Connor](#); [Hall, Roger](#); [Knowles, Alex](#); [Rhaney, Donna L](#); [Bateman, Andrew](#); [Mustian, Ben](#)
Cc: [Boyd, Jocelyn](#); [Wessinger-Hill, JoAnne](#); [PSC Contact](#)
Subject: Application of Kiawah Island Utility - Docket No. 2021-324-WS - Participation of Commissioner Caston in the Proceeding
Date: Wednesday, December 8, 2021 2:46:23 PM

To the Parties:

I have been asked to approach the attorneys in the above-noted matter with an inquiry related to the participation of Commissioner Mike Caston in participation in the Kiawah Island Utility rate case. I am writing this e-mail because of the relationship between Kiawah Island Utility Company and SouthWest Water Company (SWWC). Commissioner Caston was contracted by Goodwyn Mills and Cawood (GMC) and Clearwater Services (Clearwater is a subsidiary of GMC) from April 2019 to September 2020. GMC was primarily an architectural and engineering consulting firm and Clearwater was a contract operations company that operated water and wastewater utilities primarily for municipal systems. Commissioner Caston's primary duties as part of the Business and Development and Program Management Areas of these Companies included developing business opportunities with municipal and public water and wastewater utilities such as SouthWest Water Company. Commissioner Caston's services were primarily marketing and he was not involved in the regulatory realm during his contractual period. Relative to SWWC, this Company was not a client of GMC or Clearwater at the time of Commissioner Caston's departure from GMC and Clearwater. He did have contact with SWWC Company personnel about potential opportunities for GMC and Clearwater, in particular, Michael Cartin and Craig Sorensen. However, Commissioner Caston was not privy to any matters related to finance, regulatory matters or issues that went before the Public Service Commission, or any complaints against SWWC. Commissioner Caston was not involved in any Public Service Commission matters relative to SouthWest Water Company.

Commissioner Caston sought an informal opinion from the South Carolina State Ethics Commission on whether he should be involved in any matters involving SWWC (and another Company providing water and wastewater services) in his role as a Public Service Commissioner, due to his past employment. Since the Public Service Commission is governed by both the Ethics Act and the Code of Judicial Conduct, the Ethics Commission Staff informally opined on both in Commissioner Caston's history. With regard to the Ethics Act, the Ethics Commission Staff stated that it knew of no problem with him participating in matters involving SWWC, as long as he has no current economic interest in any party. With respect to the Code of Judicial Conduct, the Ethics Commission Staff stated that he should recuse any time he has a personal bias or prejudice concerning a party, or when he has personal knowledge of a matter before him. The Ethics Commission Staff also advised Commissioner Caston that if he participated in matters involving SWWC, that he should disclose his prior relationships to all parties involved and ensure that everyone is aware of his ability to be impartial, which is the purpose of this e-mail. Commissioner Caston asserts that he has no economic interest in SWWC, or any related company or party to the present case, that he has no personal knowledge of the Kiawah Island matter before the Commission, and that he believes that he can hear and rule on the Kiawah Island matter as a Public Service Commissioner with no bias or prejudice towards any party.

Having been informed of the circumstances above, if you and your clients have any objections to or

concerns with Commissioner Caston sitting as a Public Service Commissioner on this case, I would appreciate you please notifying me as soon as possible. Of course, if you or your clients do not have any objections to or concerns with his hearing this case with the rest of the Commission, I would also appreciate it if you would notify me as soon as possible as well. Further, if you have any questions, please let me know.

Thank you so much for your consideration in this matter.

Regards,

David Butler

Special Counsel and Chief Hearing Officer

Public Service Commission of South Carolina